

# **EXHIBIT 19**

**To  
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS  
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

**March 15, 2016**

**Case No. 14-CV-4391**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NICOLE HARRIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 14 CV 4391
	)	
CITY OF CHICAGO, et al.,	)	
	)	
Defendants.	)	

The videotaped deposition of JAMES KELLY, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Carmella T. Fagan, C.S.R., R.P.R., Notary Public within and for the County of Cook and State of Illinois, at 1180 North Milwaukee Avenue, Third Floor, in the City of Chicago, Cook County, Illinois, commencing at 10:25 a.m. on the 18th day of November, 2015.

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1           THE WITNESS: I told you I -- I told you  
2 already that I didn't know.

3 BY MS. MOGUL:

4           Q.       Okay. Do you know whether you ever  
5 had a conversation with Detective Wo regarding his  
6 interview with Diante Dancy?

7           A.       I may or may not. I don't know.

8           Q.       And it's your testimony that because  
9 there's no direct quotations with respect to what  
10 Diante Dancy said, you can't read this GPR and  
11 determine anything he said during this investigation?

12          A.       That's not what I said.

13          Q.       Okay. Well, can you tell me from  
14 reading this anything you believe Diante Dancy said  
15 during this interview?

16          A.       I said based on what's written here, I  
17 would like to speak to Detective Wo and get a better  
18 clarification of what he's written down.

19          Q.       I understand. But from reading this  
20 GPR, can you tell me anything you believe that Diante  
21 Dancy said during this -- this interview?

22          A.       That I want to memorialize in a report  
23 without checking with Detective Wo? No.

24          Q.       Okay. How about just any indications  
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1           A.        I don't know that I did.

2           Q.        Do you -- were you ever given a  
3 subpoena in this case?

4           A.        I don't remember.

5           Q.        Were you in the jury room during the  
6 trial in this case?

7           A.        I don't think so.

8           Q.        Prior to becoming a detective at  
9 Area 5, had you received training on how to testify  
10 in court?

11          A.        It may have been a part of the  
12 detective class.

13          Q.        As a police officer within the Chicago  
14 Police Department, have you received training on how  
15 to testify in court?

16          A.        I believe so.

17          Q.        And as a police officer in the Chicago  
18 Police Department, you've had to testify on several  
19 occasions?

20          A.        Yes.

21          Q.        Is it fair to say you've testified  
22 over a hundred times?

23          A.        Close to.

24          Q.        I'm going to show you what was  
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1 previously marked as 12A in this case.

2 (WHEREUPON, Exhibit 12A was  
3 tendered to Witness.)

4 A. Um-hum.

5 Q. Do you see the word "Draft" written on  
6 12A?

7 A. Yes.

8 Q. And 12A is a copy of the GP --  
9 Detective Wo's GPR of the interview with Diante  
10 Dancy, right?

11 A. Yes.

12 Q. Did you -- did you ever see the word  
13 "Draft" written on this GPR in May of 2005?

14 A. I have no memory of seeing any GPR  
15 related to his interview.

16 Q. Okay. Do you -- is that your  
17 handwriting?

18 A. On the GPR?

19 Q. That says "Draft."

20 A. No.

21 Q. Have you ever -- do you know whose  
22 handwriting that is?

23 A. I don't.

24 Q. I'm going to show you what has been  
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1 previously marked in this case as Deposition Exhibit  
2 Number 10.

3 (WHEREUPON, Exhibit 10 was  
4 tendered to Witness.)

5 A. Okay.

6 Q. You've seen this before today, right?

7 A. Yes.

8 Q. You saw this when you were preparing  
9 for your deposition, correct?

10 A. Yes.

11 Q. And this is the clear and closed --  
12 this is the Clear/Closed Arrest and Prosecution  
13 report in this case?

14 A. Yes.

15 Q. And this report summarizes the course  
16 of the investigation into Jaquari Dancy's death?

17 A. Correct.

18 Q. And you had seen this report back in  
19 May of 2005?

20 A. Yes.

21 Q. Okay. And your testimony earlier  
22 today was Detective Noradin drafted this report?

23 A. You know, now that I had time to think  
24 about it, I may have opened up this case, because  
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1     whoever starts the case, the name gets stamped on  
2     here. And I believe what I -- what contribution I  
3     made is the interview with Nicole. It seems to  
4     follow my GPRs pretty closely. So I believe that's  
5     what -- that's my contribution to this.

6             Q.         So I just -- let's go through this,  
7     okay?

8             A.         Um-hum.

9             Q.         Who would have listed the victims to  
10    this --

11            A.         Anyone could add any -- anyone whose  
12    that says -- whose name is at the end of the report  
13    could add anything to it.

14            Q.         Okay. What I'm asking: Did you list  
15    the victim as Jaquari Dancy in this case?

16            A.         I may or may not have. I don't know.

17            Q.         Did you list the offender?

18            A.         I may -- I don't know.

19            Q.         Do you know who listed all this other  
20    information, "Transported" or "Property"?

21            A.         I don't.

22            Q.         Do you know who -- okay. Can you turn  
23    to page 3.

24                                 (WHEREUPON, the Witness complied.)  
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1 witnesses in this case?

2 A. I may have plugged them in here. I --  
3 I don't know.

4 Q. Okay. So why would you have plugged  
5 in Dinajia Arnold and Alexis Fultis but not Jaquari  
6 Dancy?

7 A. I don't know that I did, so I don't  
8 know.

9 Q. So could you -- I would ask you to  
10 look through this report, and can you indicate to me  
11 what you completed with respect to this report?

12 (WHEREUPON, the Witness complied.)

13 A. I would say under "Investigation," and  
14 I don't know every paragraph, if I got it correctly.  
15 But under "Investigation," the bottom third of that  
16 page. And I'd say all of page 7, and then I'd say  
17 all but the last paragraph of page 8.

18 Q. So I want to be clear: From where it  
19 says "Investigation" on page 7, that part and below  
20 you completed?

21 A. I believe that I did, but I -- I can't  
22 be sure that I -- it's a hundred percent mine.

23 Q. Okay. And then you believe on page 8,  
24 you completed all of that page but for the last

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1 paragraph?

2 A. Correct.

3 Q. Okay. Any other part of this cleared  
4 and closed report that you completed?

5 A. I don't believe so, but I'll -- I'll  
6 skim through it.

7 Q. Please do.

8 (WHEREUPON, the Witness complied.)

9 A. Okay. I would say page 12 --

10 Q. Okay.

11 A. -- I may have memorialized probably  
12 the last third of the page there with "Dr. Denton."

13 Q. All right. "Dr. Denton" on page 12,  
14 it's listed, "At 0900 hours, Dr. Denton performed the  
15 postmortem examination," right?

16 A. Yes.

17 Q. Is that -- did you memorial -- did  
18 you --

19 A. I may or --

20 Q. -- write this?

21 A. -- may not have but, I mean, I did a  
22 GPR on it, so it would make sense that I would, but I  
23 don't know a hundred percent that I had.

24 Q. Okay. Let me ask this: Can you turn  
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